

1  
2 Roberta L. Steele, Regional Attorney  
3 U.S. Equal Employment Opportunity Commission  
4 San Francisco District Office  
5 450 Golden Gate Ave, 5th Floor West  
6 P.O. Box 36025  
7 San Francisco, CA 94102

8 Damien Lee, Supervisory Trial Attorney  
9 U.S. Equal Employment Opportunity Commission  
10 Seattle Field Office  
11 909 First Avenue, Suite 400  
12 Seattle, WA 98104  
13 TEL: (206) 576-3038  
14 damien.lee@eeoc.gov

15 ATTORNEYS FOR PLAINTIFF

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EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

Plaintiff,

v.

MONSON FRUIT CO., LLC (f/k/a  
MONSON FRUIT CO., INC.) d/b/a  
"MONSON FRUIT CO.,"

Defendant.

CIVIL ACTION NO. CV-

COMPLAINT

JURY TRIAL DEMAND

## NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended (“Title VII”) and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Charging Party Brenda Sanchez Cossio (“Cossio”) and Herbie Eduardo Rodriguez (“Rodriguez”). The Equal Employment Opportunity Commission (“EEOC” or “Commission”) alleges that Defendant Monson Fruit Co., LLC (f/k/a Monson Fruit Co., Inc.) d/b/a “Monson Fruit Co. ” (“Defendant”) subjected Cossio to a hostile work environment because of her sex, female, and retaliated against her for engaging in protected EEO activity, which resulted in her constructive discharge. The EEOC also alleges that Defendant terminated Cossio’s spouse, Rodriguez, in retaliation for Cossio’s protected EEO activity and for refusing her manager’s sexual harassment, propositions and touching. Plaintiff EEOC seeks injunctive relief and monetary relief on behalf of Cossio and Rodriguez, including pecuniary damages, nonpecuniary compensatory damages, punitive damages, back pay, and prejudgment interest.

## JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended,

1 42 U.S.C. §§ 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil  
2 Rights Act of 1991, 42 U.S.C. § 1981a.

3 2. The employment practices alleged to be unlawful were committed  
4 within the jurisdiction of the United States District Court for the Eastern District of  
5 Washington.  
6

7 PARTIES  
8

9 3. Plaintiff EEOC is the agency of the United States of America charged  
10 with the administration, interpretation and enforcement of Title VII, and is  
11 expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42  
12 U.S.C. §§ 2000e-5(f)(1) and (3).  
13

14 4. At all relevant times, Defendant has been a corporation continuously  
15 doing business in the State of Washington and has continuously had at least fifteen  
16 (15) employees.  
17

18 5. At all relevant times, Defendant has continuously been an employer  
19 engaged in an industry affecting commerce within the meaning of Sections 701(b),  
20 (g) and (h) of Title VII, 42 U.S.C. §§ 2000e-(b), (g) and (h).  
21

22 ADMINISTRATIVE PROCEDURES  
23

24 6. More than thirty (30) days prior to the institution of this lawsuit,  
25 Charging Party Cossio filed a charge with the EEOC alleging violations of Title  
VII by Defendant.

1           7.     On May 2, 2022, the Commission issued to Defendant a Letter of  
2 Determination as to the above charge finding reasonable cause to believe Title VII  
3 was violated and inviting Defendant to join with the Commission in informal  
4 methods of conciliation to endeavor to eliminate the unlawful employment  
5 practices and to provide appropriate relief.  
6

7           8.     The Commission engaged in communications with Defendant to  
8 provide Defendant the opportunity to remedy the discriminatory practices  
9 described in the letter of determination.  
10

11           9.     The Commission was unable to secure from Defendant a conciliation  
12 agreement acceptable to the Commission.  
13

14           10.    On July 26, 2022, the Commission issued to Defendant a Notice of  
15 Failure of Conciliation advising that the Commission was unable to secure from  
16 Defendant a conciliation agreement acceptable to the Commission.  
17

18           11.    All conditions precedent to the institution of this lawsuit have been  
19 fulfilled.  
20

21                               STATEMENT OF CLAIMS  
22

23           12.    From at least June 2019 until September 2019, Defendant engaged in  
24 unlawful employment practices at its facilities in Selah, Washington in violation  
25 of § 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-3. Defendant

1 engaged in these unlawful practices by subjecting Cossio to a hostile work  
2 environment based on sex and then subjecting her to retaliation and constructive  
3 discharge. Defendant also terminated Cossio's spouse Rodriguez in December  
4 2019 in retaliation for Cossio's protected EEO activity.  
5

6 13. The practices complained of in paragraph 12 include, but are not  
7 limited, to the following:  
8

- 9 a. Defendant's employee, a male manager, subjected Charging Party  
10 Cossio to repeated, almost daily, inappropriate and unwanted sexual  
11 advances and sexual comments, including telling her: (1) she had a  
12 nice body; (2) he wanted to be with her since she first started working  
13 for Defendant; (3) he could give her money or a better position in  
14 exchange for sex; (4) she should leave her partner Rodriguez because  
15 she already had a child and he could easily fire Rodriguez from  
16 Defendant; (5) he wanted her as his birthday present; (6) he watched  
17 her through the video surveillance cameras, called her to tell her he  
18 was watching her, and asked her to move so he could see her better;  
19 and (7) to come into work when she was not needed just to  
20 proposition her.  
21  
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- 1 b. Cossio rebuffed the manager's repeated advances and reported his  
2 harassment to her supervisor. Yet the manager's harassing behavior  
3 continued.  
4
- 5 c. After Cossio transferred to another position to have less interaction  
6 with the harassing manager, he began to retaliate against Cossio for  
7 refusing his sexual advances and complaining about his harassment.  
8 The manager's retaliation included refusing to provide her with  
9 assistance that he ensured that other pregnant women received,  
10 including help lifting heavy boxes, and arranging for the termination  
11 of her spouse, Rodriguez (who had worked for Defendant  
12 continuously for two years), in December 2019.  
13
- 14 d. Defendant terminated Rodriguez because of his wife's engagement in  
15 protected activities and her rebuffing her manager's sexual  
16 harassment, propositions, and touching.  
17
- 18 e. Defendant failed to take prompt and effective remedial action to stop  
19 the male manager's sexual harassment of Cossio starting in 2019  
20 when she first complained about his unwelcome behavior.  
21
- 22 f. The male manager's sexual harassment of Cossio resulted in  
23 conditions so intolerable that she was forced to constructively  
24 discharge following her maternity leave.  
25

1           14. The effect of the practices complained of in paragraphs 12-13 above  
2 has been to deprive Cossio and Rodriguez of equal employment opportunities and  
3 otherwise adversely affected their status as employees.  
4

5           15. The unlawful employment practices complained of in paragraphs 12-  
6 13 above were intentional.  
7

8           16. The unlawful employment practices complained of in paragraphs 12-  
9 13 above were done with malice or with reckless indifference to the federally  
10 protected rights of Cossio and Rodriguez.  
11

12                           PRAYER FOR RELIEF

13           Wherefore, the Commission respectfully requests that this Court:

14           A. Grant a permanent injunction enjoining Defendant, its officers,  
15 successors, agents, assigns, and all persons in active concert or participation with  
16 it, from engaging in any employment practice that discriminates based on sex,  
17 female.  
18

19           B. Grant a permanent injunction enjoining Defendant, its officers,  
20 successors, agents, assigns, and all persons in active concert or participation with  
21 it, from engaging in any employment practice that constitutes retaliation.  
22

23           C. Order Defendant to institute and carry out policies, practices, and  
24 programs which provide equal employment opportunities for all employees  
25 regardless of sex, prevent sexual harassment, and protect all employees from

1 unlawful retaliation, and which eradicate the effects of its past and present  
2 unlawful employment practices.

3 D. Order Defendant to make Cossio and Rodriguez whole by providing  
4 appropriate back pay with prejudgment interest, in amounts to be determined at  
5 trial, and other affirmative relief necessary to eradicate the effects of Defendant's  
6 unlawful employment practices described in paragraphs 12-13 above in amounts to  
7 be determined at trial.  
8

9  
10 E. Order Defendant to make whole Cossio and Rodriguez by providing  
11 compensation for past and future pecuniary losses resulting from the unlawful  
12 employment practices described in paragraphs 12-13 above, including past and  
13 future out-of-pocket expenses, in amounts to be determined at trial.  
14

15 F. Order Defendant to make whole Cossio and Rodriguez by providing  
16 compensation for past and future nonpecuniary losses resulting from the unlawful  
17 practices complained of in paragraphs 12-13 above, including without limitation  
18 emotional pain, suffering, and loss of enjoyment of life, in amounts to be  
19 determined at trial.  
20

21  
22 G. Order Defendant to pay Cossio and Rodriguez punitive damages for  
23 its malicious and reckless conduct described in paragraphs 12-13 above, in  
24 amounts to be determined at trial.  
25



H. Grant such further relief as the Court deems necessary and proper in the public interest.

I. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by this Complaint.

DATED this 30<sup>th</sup> day of SEPTEMBER 2022

BY: /s/ Roberta L. Steele  
Roberta L. Steele  
Regional Attorney  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
San Francisco District Office  
450 Golden Gate Ave, 5th Floor West  
P.O. Box 36025  
San Francisco, CA 94102  
Telephone (650) 684-0939  
roberta.steele@eeoc.gov

GWENDOLYN YOUNG REAMS  
Acting General Counsel

CHRISTOPHER LAGE  
Deputy General Counsel

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Office of the General Counsel  
131 M Street NE, 5<sup>th</sup> Floor  
Washington, D.C. 20507

BY: /s/ Damien Lee  
Damien Lee  
Supervisory Trial Attorney  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Seattle Field Office  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
Telephone (206) 576-3038  
damien.lee@eeoc.gov

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

DATED this 30<sup>th</sup> day of September, 2022

/s/ Jimmy Yen

JIMMY YEN

Legal Assistant

EEOC Seattle Field Office

909 First Avenue, Suite 400

Seattle, WA 98104-1061

Telephone: 206-576-3043

Email: jimmy.yen@eeoc.gov